

FILED

MAR 07 2011

PATRICK E. DUFFY, CLERK
By DEPUTY CLERK, MISSOULA

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION**

UNITED STATES OF AMERICA,

CR 10-20-BU-DWM

Plaintiff,

vs.

TRAVIS PATRICK MALONE,

FINDINGS AND RECOMMENDATION
CONCERNING PLEA

Defendant.

The Defendant, by consent, has appeared before the undersigned pursuant to Fed. R. Crim. P. 11 and has entered a plea of guilty to the charge of receipt of child pornography in violation of 18 U.S.C. § 2252A(a)(2), as set forth in the Indictment. Defendant has agreed to the forfeiture allegations advanced under 18 U.S.C. § 2253(a).

After examining the Defendant under oath, I have made the following determinations:

1. That the Defendant is fully competent and capable of entering an informed and voluntary plea,
2. That the Defendant is aware of the nature of the charge against him and

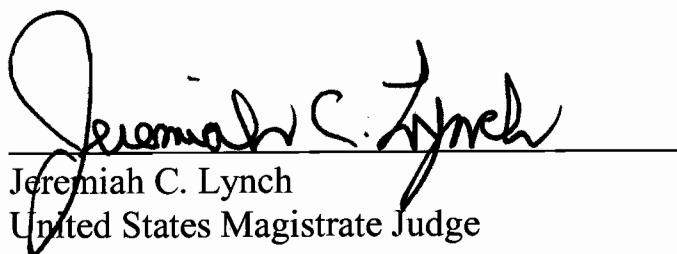
consequences of pleading guilty to the charge,

3. That the Defendant fully understands his constitutional rights, and the extent to which he is waiving those rights by pleading guilty, and
4. That the plea of guilty is a knowing and voluntary plea, supported by an independent basis in fact sufficient to prove each of the essential elements of the offense charged.

Therefore, I recommend that the Defendant be adjudged guilty of Count I of the Indictment and that sentence be imposed. A presentence report has been ordered.

This report is forwarded with the recommendation that the Court defer a decision regarding acceptance until the Court has reviewed the presentence report.

DATED this 7th day of March, 2011.



Jeremiah C. Lynch
United States Magistrate Judge